

Appl. No. : **10/070,635**
Filed : **March 1, 2002**

AMENDMENTS TO THE DRAWINGS

Applicant requests to amend Figs. 3, 5, and 6 to include reference numerals to show features specified in the claims. The specification has also been amended to reflect the amendments as described above. No new matter has been added. Approval of this amendment is respectfully requested. A "Replacement Sheet" for each sheet of drawings being amended can be found in the Appendix.

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REMARKS

Claims 1 and 4 have been amended to clarify the invention. Figs. 3, 5, and 6 have been amended to include reference numbers to show features specified in the claims. The specification has been amended to reflect the amendments to the drawings. No new matter has been added. Applicant respectfully requests entry of the amendments and reconsideration of the application in view of the amendments and the following remarks.

Drawings

The drawings have been objected to under 37 C.F.R. § 1.83(a) because the “inner ring” and “outer ring” recited in Claim 1 and the “floor” recited in Claim 4 are not indicated with reference numerals. Figs. 3, 5, and 6 have been amended to include reference numerals to show these elements, thereby obviating this objection.

Rejection Under 35 U.S.C. § 103

Claims 1, 4, 12, and 13 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Vita in view of Hunter. Applicant respectfully traverses this rejection.

The Examiner asserts:

“Vita ‘185 discloses a transfer device 18 comprising a rotating carriage 14, 16, 18, and 178 along a ring-shaped horizontal rail 104 including an outer ring 110, inner ring 106, and wheels 108, 112.” (Emphasis added)

However, the structure of “a ring-shaped horizontal rail 104 including an outer ring 110, inner ring 106, and wheels 108, 112” does not correspond to that recited in Claim 1. In Claim 1, the ring-shaped fixed horizontal rail does not include the outer ring, inner ring, and wheels. Instead, the wheels are “rotatably fixed to and sandwiched between the outer ring and the inner ring” and run “on the rail together with the outer and inner rings” (Claim 1 has been amended for the clarification purposes). An embodiment of these structures is indicated in Figs. 3 and 5.

Further, the Examiner asserts:

“[Vita ‘185 discloses] a transfer device 18 further comprising vertical columns 180, 182, 184 (as shown in FIG. 11) extending above or below a carriage table 114, 76, 98 connected rigidly to an inner ring 106.” (Emphasis added)

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However, the structure of “a carriage table 114, 76, 98 connected rigidly to an inner ring 106” is not expressly or even impliedly disclosed in Vita ‘185. Vita ‘185 states “[a]lternatively, and as depicted in FIG. 11, operation of the elevator platform may be controlled by a drive system mounted to the elevator platform itself.” (col. 6, lines 51-53) If the drive system is connected rigidly to the inner ring 106, the platform cannot be able to rotate using the wheels 108 on the rail 106. The Examiner is required to show any support for his interpretation of Vita ‘185: “a carriage table 114, 76, 98 connected rigidly to an inner ring 106.” In Claim 1, the vertical columns are “fixed rigidly to the inner ring of the carriage” (Claim 1 has been amended for the clarification purposes).

Thus, because the Examiner’s rejection is based at least on the above misinterpretations of Vita ‘185, this rejection cannot be sustained.

Further, with respect to Claim 4, the Examiner asserts:

“Vita discloses rigidly fixing horizontal rails to a floor where objects are placed during a loading or unloading step of storing objects.” (Emphasis added)

However, first, the term “fixing the horizontal rails to a floor” does not simply mean temporarily immobilizing the horizontal rails with respect to a floor. The word “fix” means “fasten firmly”, “make rigid”, or “make permanent” (Webster’s New World Dictionary, Modern Desk Edition). Fixing the horizontal rails to a floor means fastening the horizontal rails firmly to a floor. However, Vita’s rails (the platform provided with platform frame fingers 152) extend as shown in FIG. 6 and descend to the lowered position depicted in FIG. 7. The platform is not fixed to the finger-like floor structure 196 or is not even connected to the floor structure 196. Vita does not disclose rigidly fixing horizontal rails to a floor. The disclosure of the present specification is not at all inconsistent with the above interpretation of “fixing”. Further, the Examiner fails to show that one of ordinary skill in the art would reach his interpretation of “fixing”. See MPEP 2111 (Broadest reasonable interpretation).

Second, the “horizontal rails” in Claim 4 has been clarified to the “ring-shaped horizontal rails”. As the Examiner recognizes, the ring-shaped horizontal rails in Vita is the rails 106 which are in no way fixed to a floor, but fixed to a bottom of the structure (FIG. 1).

Thus, because the Examiner’s rejection is based at least on the above misinterpretations of Vita ‘185, this rejection cannot be sustained.

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Hunter is irrelevant to the elements discussed above.

"To establish a *prima facie* case of obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious." (MPEP 2143.03) Thus, Vita or Hunter fails to teach or suggest all the claim limitations, and Claim 1 and its dependent claims could not be obvious over the references. Applicant respectfully requests withdrawal of the rejection.

Additionally, the Examiner fails to examine Claim 14 on the merits. He does not mention Claim 14. Claim 14 is pending, and Applicant respectfully requests examination of Claim 14 on the merits.

CONCLUSION

In light of the Applicant's amendments to the claims and the foregoing Remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.


Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: April 25, 2005

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